

specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison’s memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison’s memorandum and recommendation (Dkt. 38) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant American National Insurance Company’s Amended Motion to Dismiss (Dkt. 21) is granted. Health First’s claims under Chapters 541 and 542 should be dismissed. Health First’s breach-of-contract claim remains.

Signed on Galveston Island this 29th day of September 2021.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE